

# ECHTMAN & ETKIND, LLC

---

12 Marlette Place  
White Plains, New York 10605  
Telephone: 212/757-2310

551 Fifth Avenue - 3<sup>rd</sup> Floor  
New York, N.Y. 10176  
Telephone: 212/757-2310

Email: [davidetkind@yahoo.com](mailto:davidetkind@yahoo.com)  
[echtman.etkind@gmail.com](mailto:echtman.etkind@gmail.com)

October 29, 2019

**Via ECF**

Hon. Denise L. Cote  
United States District Court Judge  
500 Pearl Street, Room 1910  
New York, New York 10007

**Duvernay v. Hercules Medical P.C.**  
Re: USDC, SDNY Case no.: 18-cv-07652 (DLC)

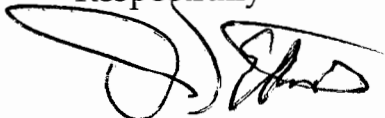
Dear Judge Cote:

We represent the Defendants in the above-referenced case.

In response to Plaintiff's October 28, 2019 letter motion, please be advised that Plaintiff's counsel is mistaken.

Your memo endorsed order (enclosed) provides that our reply papers were due on October 28, 2019, which is the date that they were filed. That order was followed up by the August 28, 2019 docket entry (enclosed) noting the dates that the opposing and reply papers are due.

Respectfully submitted,



David Etkind

Enclosures

cc: Marjorie Mesidor, Esq. (via email only)

**PHILLIPS & ASSOCIATES**

*Attorneys at Law*

45 BROADWAY, SUITE 620, NEW YORK, NEW YORK 10006

TEL: (212) 248-7431 FAX: (212) 901-2107

[WWW.NYCEMPLOYMENTATTORNEY.COM](http://WWW.NYCEMPLOYMENTATTORNEY.COM)

A PROFESSIONAL LIMITED LIABILITY COMPANY

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 8/27/2019

August 27, 2019

**Via ECF**

The Honorable Denise L. Cote  
United States District Judge for the  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, New York 10007

**MEMO ENDORSED**

Re: **Leonides Duverny v. Hercules Medical P.C., et al.**  
**Docket No. 18-cv-7652(DLC)**

Dear Your Honor:

This firm represents Plaintiff, Leonides Duverny, in the above-referenced matter. Plaintiff writes to respectfully request an extension of the summary judgment briefing schedule which is currently set for: Plaintiff's opposition on or before September 12, 2019 and Defendants' reply, if any, due on or before September 26, 2019 (See Dkt. No. 40). This is the parties' first request to extend summary judgment briefing, and this request does not affect any future deadlines. Defense Counsel consents to this request.

The new proposed briefing schedule is as follows:

- Plaintiff's opposition to Defendants' motion due on or before October 8, 2019; and
- Defendants' reply, if any, due on or before October 22<sup>1</sup>, 2019.

By way of background, Defendants requested, and the Court granted Defendants' application to extend the summary judgment brief page limit from 25 to 50 pages (See Dkt. Nos. 45 and 46). On August 21, 2019, Defendants filed their summary judgment motion (See Dkt. Nos. 47-51). The reason for this request is due in part to the voluminous nature of Defendants' motion which the memorandum

<sup>1</sup> Defense counsel asked for his reply to be due on or before October 28, 2018 (which is an additional week to reply, beyond the 2 weeks allowed by the Court to reply as noted at Dkt. No. 40). However, Defense Counsel refused to make this a joint application.

of law and Rule 56.1 statement total over approximately 65 pages. In addition, the undersigned has several depositions scheduled in other matters throughout the remainder of August and September. The undersigned also has due in September another summary judgment opposition motion for a matter. Accordingly, the Plaintiff requests an extension of the briefing schedule as noted above.

Plaintiff thanks the court for its time and attention to this matter.

Respectfully submitted,

/s/

Joshua M. Friedman, Esq.  
Phillips & Associates, PLLC  
45 Broadway, Suite 620  
New York, NY 10006  
(212) 248-7431  
[jfriedman@tpglaws.com](mailto:jfriedman@tpglaws.com)

cc: To all counsel of record (via ECF)

*Opposition is due October 8; reply  
is due October 28.*

*James G. [Signature]  
8/27/19*

## **Notice of Electronic Filing**

The following transaction was entered on 8/28/2019 at 10:33 AM EDT and filed on 8/28/2019

**Case Name:** Duverny v. Hercules Medical P.C. et al

**Case Number:** 1:18-cv-07652-DLC

**Filer:**

**Document Number:** No document attached

### **Docket Text:**

**Set/Reset Deadlines As to Defendants' summary judgment motion. Opposition due by 10/8/2019. Reply due 10/28/2019. (gr)**

### **1:18-cv-07652-DLC Notice has been electronically mailed to:**

David Alan Etkind [Echtman.Etkind@gmail.com](mailto:Echtman.Etkind@gmail.com), [davidetkind@yahoo.com](mailto:davidetkind@yahoo.com)

Wendy L. Gildin [wgildin@tpglaws.com](mailto:wgildin@tpglaws.com)

Marjorie Mesidor [MMesidor@tpglaws.com](mailto:MMesidor@tpglaws.com), [anandlal@tpglaws.com](mailto:anandlal@tpglaws.com), [ichan@tpglaws.com](mailto:ichan@tpglaws.com),  
[jfriedman@tpglaws.com](mailto:jfriedman@tpglaws.com)

Joshua Mathew Friedman [jfriedman@tpglaws.com](mailto:jfriedman@tpglaws.com), [anandlal@tpglaw.com](mailto:anandlal@tpglaw.com)

Joan Badere Lopez [jlopez@moritthock.com](mailto:jlopez@moritthock.com)

Irene Chan [ichan@tpglaws.com](mailto:ichan@tpglaws.com)

### **1:18-cv-07652-DLC Notice has been delivered by other means to:**